

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

)	
JOSEPH ROSEMOND,)	
Plaintiff,)	
v.)	C.A. No. 04-30072-KPN
)	
STOP AND SHOP SUPERMARKET)	
COMPANY,)	
Defendant.)	
)	

STOP & SHOP'S MOTION TO EXTEND SCHEDULING ORDER

Stop & Shop hereby moves for the Court to amend certain of the deadlines set forth in the Scheduling Order in this action. Stop & Shop requests that the Scheduling Order be amended as follows:

Event:

Proposed New Date:

- | | |
|--|---------------------------|
| A. Deadline for Defendant to counter-designate expert | June 10, 2005 |
| B. Deadline to complete deposition of Plaintiff's expert | June 13, 2005 |
| C. Deadline to complete deposition of Defendant's expert | June 30, 2005 |
| D. Deadline for Defendant to file summary judgment
or inform the Court that no motion will be filed | July 8, 2005 |
| E. Deadline for Plaintiff to file opposition to Defendant's
motion for summary judgment | July 29, 2005 |
| F. Pre-trial Conference | On or after July 29, 2005 |

As grounds for this motion, Stop & Shop states the following:

1. Plaintiff has proposed an expert to testify on the historical significance of a noose in the African American experience. While Defendant has made diligent efforts to designate an appropriate counter-expert within the current deadline, it has been

difficult to locate an individual with the appropriate qualifications and expertise. The parties, therefore, will be unable to complete expert depositions by May 13, 2005.

2. Moreover, due to a previously planned vacation, Defendant's lead counsel will be unable to attend the pre-trial conference currently scheduled for June 28, 2005.

3. Plaintiff does not oppose this motion.

4. Stop & Shop does not anticipate requesting any further extensions of the Scheduling Order.

WHEREFORE, Defendant Stop & Shop respectfully requests that the Court approve its Motion to Extend Scheduling Order, with such amendments as the Court deems just and proper.

Respectfully submitted,

/s/ Yvette Politis
Lisa J. Damon (BBO # 558843)
Yvette Politis (BBO # 644986)
Seyfarth Shaw LLP
WORLD TRADE CENTER EAST
Two Seaport Lane, Suite 300
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(617) 946-4800

Dated: May 12, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATION

Pursuant to Fed. R. Civ. P. 37(a)(2), L.R. 7.1(A)(2), and L.R. 37.1, counsel for Stop & Shop, Yvette Politis, contacted counsel for Plaintiff, Tani Sapirstein, by telephone at approximately 2 p.m. on May 11, 2005 and 4 p.m. on May 12, 2005 in a good faith to resolve or narrow the issue(s) raised in the instant Motion. Although Plaintiff's and Defendant's counsel were unable to come to an agreement regarding the Defendant's Motion to Extend Scheduling Order, Plaintiff does not oppose this Motion.

/s/ Yvette Politis

Yvette Politis

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2005, a true copy of the foregoing document was served by electronic and regular mail, postage prepaid, upon counsel for Plaintiff, Tani E. Sapirstein, Esq., Sapirstein & Sapirstein, P.C., 1341 Main Street, Springfield, MA 01103.

/s/ Yvette Politis

Yvette Politis